

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

Plaintiff(s) named below, for his Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Gary Levingston

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

None

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Melissa Levingston, as Representative of the Estate of Gary Levingston,
Deceased

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Missouri

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Missouri

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Missouri

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Western District of Missouri

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____



Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):



Recovery[®] Vena Cava Filter



G2[®] Vena Cava Filter



G2[®] Express (G2[®]X) Vena Cava Filter



Eclipse[®] Vena Cava Filter

- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☐ Other: _____

11. Date of Implantation as to each product:

June 1, 2010

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
- Count II: Strict Products Liability – Information Defect
(Failure to Warn)
- Count III: Strict Products Liability – Design Defect
- Count IV: Negligence - Design
- Count V: Negligence - Manufacture
- Count VI: Negligence – Failure to Recall/Retrofit
- Count VII: Negligence – Failure to Warn
- Count VIII: Negligent Misrepresentation
- Count IX: Negligence *Per Se*
- Count X: Breach of Express Warranty
- Count XI: Breach of Implied Warranty
- Count XII: Fraudulent Misrepresentation
- Count XIII: Fraudulent Concealment
- Count XIV: Violations of Applicable MO (insert state)

Missouri Merchandising Practices Act Chapter 407

- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below:
- _____
- _____

RESPECTFULLY SUBMITTED this 13th day of September 2018.

PIERCE SKRABANEK, PLLC

/s/ Sofia E. Bruera

Sofia E. Bruera

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ATTORNEYS FOR PLAINTIFF

I hereby certify that on this 13th day of September, 2018, I electronically transmitted the attached documents to the Clerk's office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Sofia E. Bruera

Sofia E. Bruera